IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

CONTEMPT PETITION NO.258 OF 1999

Mrs.Manorama Vasudev Deshpande
and Ors. ..Petitioners

Vs.

Mr.Bhagwanrao Yeshwant Kakade
and Ors. ..Respondents

....

Mr.S.P.Thorat Advocate for Petitioners
Mr.T.D.Deshmukh for Respondent nos.1 to 7
Mr.P.P.Kakade AGP for Respondent Nos.8 and 9.

....

CORAM : B.H.MARLAPALLE,J.

DATE : APRIL 11,2005

P.C.:

1. Subsequent to the order dated 18.2.2005, the Respondents have deposited an amount of Rs.5,58,000/- with the trial Court. Thus, they have purged themselves from the contempt. In the affidavit in reply, they have submitted an unconditional apology and stated that the said amount was not deposited earlier in its entirety on account of some difficulty in understanding or appreciating the directions of this Court in W.P.No. 1769 of 1998.

2. The learned counsel for the Petitioners submitted that by the delayed deposit, the interest amount has been lost and thus, the Petitioners or any other

party entitled for the said amount may be looser to that extent. The issue of interest can be considered by the trial Court where the suit is pending and therefore, the said issue cannot be agitated in this contempt proceedings. In case, the trial of the suit is likely to be delayed, the trial Court may take steps to invest the deposited amount in a nationalised bank so that it starts earning interest. Initially, the deposit could be made for a year or two and subsequently it would be renewed.

3. As the Contemnor purged from contempt proceedings, nothing further remains in this Contempt Proceedings, more so, the apology tendered by the Respondents, has been found to be bonafide.

4. Contempt Petition is disposed of.

5. All contentions of the parties are left open.

[B.H.MARLAPALLE,J.]